



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF REGIONAL OFFICES
SYRACUSE REGIONAL OFFICE

May 4, 2007

Hon. Randolph F. Treece
United States Magistrate Judge
United States District Court
Northern District of New York
James T. Foley United States Courthouse
445 Broadway
Albany, NY 12201-2924

Re: Matagrano v. Miles, et al.
NDNY, 05-CV-1459 (DNH)(RFT)

Dear Judge Treece:

Please accept this letter as defendants' opposition to plaintiff's motion to supplement his complaint (Docket No. 47), currently returnable on May 29, 2007.

Defendants oppose plaintiff's motion because he failed to follow the Northern District of New York's Local Rule of Practice for such a motion. The Local Rules are very clear that when filing a motion under Federal Rules of Civil Procedure 14, 15, and 19-22, a party must attach an unsigned copy of the complete amended pleading. See L.R. 7.1(a)(4). The Local Rules further provide:

... Except as the Court otherwise provides, the proposed amended pleading must be a **complete pleading**, which will supersede the original pleading in all respects. No portion of the prior pleading shall be incorporated into the proposed amended pleading by reference.

L.R. 7.1(a)(4), emphasis added.

It is undisputed in this case that the plaintiff failed to follow Local Rule 7.1(a)(4). Plaintiff attached a proposed "supplemental" pleading to his motion papers, but that "supplemental" complaint begins with paragraph 308 and specifically attempts to incorporate his original complaint by reference. Plaintiff has not submitted to the Court a **complete** proposed amended pleading, and for this reason, his motion to supplement his complaint must be denied.

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Thank you for your consideration of this matter.

Respectfully yours,

s/Senta B. Siuda

Senta B. Siuda

Assistant Attorney General

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